

Assembly Bill No. 863

Passed the Assembly August 31, 2015

Chief Clerk of the Assembly

Passed the Senate August 27, 2015

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 27375 and 34500.4 of the Vehicle Code, relating to modified limousines.

LEGISLATIVE COUNSEL'S DIGEST

AB 863, Dodd. Modified limousines: passenger safety.

(1) Existing law, on and after January 1, 2016, requires any person operating a modified limousine that is modified prior to July 1, 2015, to ensure that the vehicle is equipped with at least 2 rear side doors and one or 2 rear windows that the rear seat passengers or all passengers of the vehicle may open from the inside of the vehicle in case of any fire or other emergency, as specified.

Under this bill, the requirement that those modified limousines be equipped with one or 2 rear windows would instead apply on and after January 1, 2017. The bill would make other nonsubstantive changes to these provisions.

(2) Existing law requires, not later than July 1, 2016, the Department of the California Highway Patrol to implement a program to conduct safety inspections of modified limousine terminals that are operated by passenger stage corporations pursuant to the Public Utilities Act or by charter-party carriers of passengers pursuant to the Passenger Charter-party Carriers' Act.

This bill would extend the operative date of the safety inspection program to July 1, 2017.

The people of the State of California do enact as follows:

SECTION 1. Section 27375 of the Vehicle Code is amended to read:

27375. (a) Any person who operates a modified limousine shall ensure that the vehicle has at least two rear side doors, as specified in paragraph (2), and one or two rear windows, as specified in paragraph (1), that the rear seat passengers or all passengers of the vehicle may open from the inside of the vehicle in case of any fire or other emergency that may require the immediate exit of the passengers of the vehicle. A limousine

subject to this subdivision shall be equipped with both of the following:

(1) (A) Except as provided in subparagraph (B), at least two rear push-out windows that are accessible to all passengers. At least one push-out window shall be located on each side of the vehicle, unless the design of the limousine precludes the installation of a push-out window on one side of the vehicle, in which case the second push-out window shall instead be located in the roof of the vehicle.

(B) If the design of the limousine precludes the installation of even one push-out window on a side of the vehicle, one push-out window shall instead be located in the roof of the vehicle.

(C) The Department of the California Highway Patrol shall establish, by regulation, standards to ensure that window exits are operable and sufficient in emergency situations for limousine passengers. The department shall ensure that these regulations comply with any applicable federal motor vehicle safety standards.

(D) For modified limousines modified prior to July 1, 2015, the requirements of this paragraph shall apply on and after January 1, 2017.

(2) (A) At least two rear side doors that are accessible to all passengers and that may be opened manually by any passenger. At least one rear side door shall be located on each side of the vehicle.

(B) For modified limousines modified on or after July 1, 2015, at least one of these side doors shall be located near the driver's compartment and another near the back of the vehicle.

(C) The rear side doors shall comply with any applicable federal motor vehicle safety standards as deemed necessary by the Department of the California Highway Patrol.

(b) In the case of a fire or other emergency that requires the immediate exit of the passengers from the limousine, the driver of the limousine shall unlock the doors so that the rear side doors can be opened by the passengers from the inside of the vehicle.

(c) An owner or operator of a limousine shall do all of the following:

(1) Instruct all passengers on the safety features of the vehicle prior to the beginning of any trip, including, but not limited to, instructions for lowering the partition between the driver and

passenger compartments and for communicating with the driver by the use of an intercom or other onboard or wireless device.

(2) Disclose to the contracting party and the passengers whether the limousine meets the safety requirements described in this section.

(3) If paragraph (1) of subdivision (d) applies, the owner or operator of a limousine shall further disclose to the contracting party and the passengers that the limousine does not meet the safety requirements required in subdivision (a) regarding vehicle escape options because of its exempt status, and therefore may pose a greater risk to passengers should emergency escape be necessary.

(d) (1) Except as provided in paragraph (2), subdivision (a) shall not apply to any limousine manufactured before 1970 that has an active transportation charter-party carrier (TCP) number that was issued by the commission as of August 15, 2013.

(2) Subdivision (a) shall apply to any limousine manufactured before 1970 if it was modified after August 15, 2013.

SEC. 2. Section 34500.4 of the Vehicle Code is amended to read:

34500.4. (a) Not later than July 1, 2017, the Department of the California Highway Patrol shall implement a program to conduct safety inspections of modified limousine terminals that are operated by passenger stage corporations pursuant to Article 2 (commencing with Section 1031) of Chapter 5 of Part 1 of Division 1 of the Public Utilities Code or by charter-party carriers of passengers pursuant to the Passenger Charter-party Carriers' Act (Chapter 8 (commencing with Section 5351) of Division 2 of the Public Utilities Code).

(b) (1) The inspection program shall include, but is not limited to, the safe operation of the vehicle, the installation of safety equipment, the retention of maintenance logs, accident reports, and records of driver discipline, compliance with federal and state motor vehicle safety standards, the examination of a preventative maintenance program, and, if ownership of the modified limousine has been transferred, the transmission of relevant safety and maintenance information of the limousine.

(2) Pursuant to the safety inspection program, the department shall conduct an inspection of each terminal of a charter-party carrier of passengers and passenger stage corporation that operates modified limousines at least once every 13 months.

(3) The department shall adopt emergency regulations for purposes of this subdivision. The adoption by the department of regulations implementing this section shall be deemed to be an emergency and necessary to avoid serious harm to the public peace, health, safety, or general welfare for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the department is hereby exempted from the requirement that it describe facts showing the need for immediate action to the Office of Administrative Law. The emergency regulations shall remain in effect for no more than one year, by which time final regulations shall be adopted.

(4) (A) The department shall adopt regulations to establish an inspection fee to be collected every 13 months, based on the number of modified limousines operated by a single charter-party carrier or passenger stage corporation. The fee shall be in an amount sufficient to offset the costs to administer the inspection program and shall not be used to supplant or support any other inspection program conducted by the department. The fee shall be in addition to any other required fee. When developing the regulations, the department shall consider measures that increase efficiencies to limit the financial impact to charter-party carriers of passengers and passenger stage corporations subject to the fee. The department shall promulgate the regulations in consultation with appropriate interested parties.

(B) The fee structure established pursuant to this subdivision shall apply to modified limousines that are required to undergo a safety inspection pursuant to this section.

(C) The fee established pursuant to this subdivision shall be collected by the Public Utilities Commission and deposited into the Motor Vehicle Account in the State Transportation Fund to cover the costs of the inspections conducted by the department.

(5) The department shall transmit to the Public Utilities Commission inspection data of modified limousine terminals inspected pursuant to this program, as specified in the program regulations.

(c) Regulations adopted pursuant to this section shall be consistent with the established inspection program administered by the department for buses pursuant to this division.

Approved _____, 2015

Governor